

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

Case No. 10-11633

v.

HONORABLE DENISE PAGE HOOD

ONYX CAPITAL ADVISORS, LLC,
ROY DIXON, JR. and MICHAEL A. FARR,

Defendants.

ORDER DENYING MOTION FOR STAY PENDING APPEAL

This matter is before the Court on Defendant Roy Dixon, Jr.'s ("Dixon") Motion for a Stay Pending Appeal of the Court's Order Granting Plaintiff's Motion to Modify Asset Freeze, the Order Granting Plaintiff's Motion for Summary Judgment and the October 11, 2012 Order Setting Dates. Dixon essentially seeks appellate review of the Court's order granting summary judgment in favor of Plaintiff United States Securities and Exchange Commission ("SEC") and against Defendants Dixon and Onyx Capital Advisors, LLC. However, the amount of damages has yet to be determined and no final judgment has been entered. Dixon cites no authority to support his request.

Absent certification for an interlocutory appeal under 28 U.S.C. § 1292(b) or Rule 54(b) of the Rules of Civil Procedure, an order disposing of fewer than all parties or claims in an action is non-appealable. *William B. Tanner Co. v. United States*, 575 F.2d 101 (6th Cir. 1978). The October 11, 2012 Order granting summary judgment in favor of the SEC and against Defendants Dixon and Onyx Capital only does not dispose of all the parties and all the issues before the Court, specifically, the issue of damages as to all Defendants.

Accordingly,

IT IS ORDERED that Defendant Roy Dixon, Jr.'s Motion for a Stay Pending Appeal of the Court's October 11, 2012 Order (**Doc. No. 118**) is DENIED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: April 15, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 15, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager